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 REALNETWORKS, INC. AND
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UNITED STATES DISTRICT COURT
 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRISKIT, INC.,
 Plaintiff,
 v.
 REALNETWORKS, INC., et al.,
 Defendants.

Civil Action No. CV 03-5085-WWS

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING DEPOSITION
 AND EXPERT REPORT SCHEDULE**

Judge: Honorable William W. Schwarzer

1 WHEREAS, on December 15, 2005, the Court entered an order regarding Defendants'
2 Motion to Continue PreTrial and Trial Schedule and for Sanctions and set the following
3 schedule: Completion of additional depositions on February 16, 2006, File supplemental
4 opening expert reports on February 28, 2006, File rebuttal to supplemental expert reports on
5 March 17, 2006, close of expert discovery on April 3, 2006, Last day to file dispositive motions
6 on April 10, 2006, File responses to dispositive motions on April 24, 2006, File reply to
7 dispositive motions on May 1, 2006, Pretrial conference on June 26, 2006 and Trial on July 17,
8 2006;

9 WHEREAS, third-party witness, Ms. Gila Sand, was unavailable for deposition before
10 February 16, 2006 for medical reasons;

11 WHEREAS, the parties conducted a telephonic hearing before Magistrate Judge James on
12 February 10, 2006 regarding deposition scheduling and other discovery related matters. In the
13 conference, the parties agreed that the deadline for completion of the additional deposition of Ms.
14 Sand should be extended to February 24, 2006, the deadline for submission of supplemental
15 opening expert reports should be extended to March 3, 2006, and the deadline for submission of
16 supplemental rebuttal expert reports should be extended to March 20, 2006. The same day,
17 Magistrate Judge James entered an order finding "good cause" exists to continue the deposition
18 and expert report supplementation cut-offs to accommodate the delay in Ms. Sand's deposition;

19 WHEREAS, Gila Sand informed Plaintiff's counsel (who is representing Ms. Sand in
20 connection with her deposition in this case) last week that she could not attend her deposition on
21 February 24, 2006, as scheduled due to her medical condition. Ms. Sand is scheduled to undergo
22 a surgical procedure on March 1, 2006. It is possible Ms. Sand may also have an additional
23 procedure on March 6, 2006.

24 WHEREAS, the parties have been attempting to accommodate Ms. Sand's need to
25 reschedule this deposition. The parties have also sought to work together to resolve this issue so
26 as to not prejudice Real's ability to use Ms. Sand's testimony in its supplementation of its opening
27 expert report as the Court has permitted Real to do.

1 NOW THEREFORE IT IS HEREBY STIPULATED, by and between Plaintiff and
2 Defendants, through their respective counsel of record, the Court's December 15, 2005 Order Re:
3 Defendants' Motion to Continue PreTrial and Trial Schedule and For Sanctions is to be amended
4 as follows:

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6 1. The deadline for submission of supplemental opening expert reports is extended
7 to March 3, 2006.

8 2. The deadline for submission of supplemental rebuttal expert reports is extended to
9 March 20, 2006.

10 3. Real shall be granted leave to take the additional deposition of Ms. Sand beyond
11 February 16, 2006. The parties will provide the Court with a status update as to the
12 timing and scheduling of this deposition, and any necessary additional supplementation of
13 expert reports in relation thereto, once more information regarding the timing of Ms.
14 Sand's deposition is known

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18 /s/ Anuj K. Wadhwa

/s/ David A. Perlson

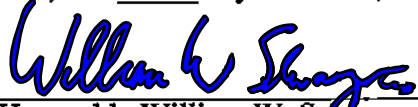
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9 PURSUANT TO STIPULATION, IT IS SO ORDERED, this 3rd day of March, 2006.
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Honorable William W. Schwarzer
United States District Judge
Northern District of California

ATTESTATION OF E-FILED SIGNATURE

I, David A. Perlson, attest that signatory Anuj K. Wadhwa has read and approved the
**STIPULATION AND [PROPOSED] ORDER REGARDING DEPOSITION AND
EXPERT REPORT SCHEDULE** and consents to its filing in this action.

/s/ David A. Perlson
David A. Perlson